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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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IP ADMINISTRATION, LEGAL DEPARTMENT
M/S 35 HEWLETT PACKARD COMPANY
P.O. BOX 272400
FORT COLLINS, CO 80527-2400

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 08/20/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,271

Applicant(s)

ROHRS, CHRISTOPHER HENRY

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3-July-2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. The amendment filed on July 3, 2003 has been received and entered. Claims 1-26 are pending.

2. Corrections to the language of claim 16 is hereby received and acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 9, 17, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edit (U.S. Pub. No. 2002/0166116) in view of Engelmann et al. (U.S. Patent No. 5,537,588).

As to claims 1, 9, and 17, Edit discloses a collector for collecting (See figure 7, 710, garbage collection program) non-referenced objects stored in a heap (See abstract) by a program executing in a computer system (See page 7, column 2, lines 31-35, wherein "program code" reads on "sequence of instructions") comprising:

an object allocation routine (See page 4, column 1, lines 25-41) which stores an object of a particular type in one of a plurality of in the heap (See page 3, column 1, lines 56-67)

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dependent on a predefined category for the object type (See page 3, column 1, lines 6-67, also see abstract, wherein “category” reads on “reference and non-reference type”); and

a collection routine (See page 4, column 1, lines 25-41) which searches for referenced objects and reclaims non-referenced objects stored in the searched (See page 1, column 1, lines 41-63).

Edit does not teach searched logical partition.

Engelmann et al. teaches searched logical partitions (See column 4, lines 45-67, also see column 6, lines 55-67, and column 9, lines 1-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Edit to include searched logical partition.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Edit by the teaching of Engelstad et al. to include searched logical partition because *Engelmann*

As to claims 25, and 26, Edit discloses a computer system (See page 2, column 2, lines 19-22) comprising:

a central processing unit (See figure 6, 102, processor) connected to a memory bus (See figure 6, 104, main memory) by a system bus (See figure 6, 101, bus);

an I/O system, connected to the system bus by a bus interface (See page 2, column 1, lines 64-67); and

a collector for collecting (See figure 7, 710, garbage collection program) non-referenced objects (See page 5, column 1, lines 58-67) stored in a heap (See figure 7, 720, memory heap),

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by a program having computer readable program code thereon, executing in a computer system (See page 7, column 2, lines 31-35, wherein "program code" reads on "sequence of instructions"), the collector:

storing an object of a particular type in one of a plurality of spaces in the heap (See figure 7, 720, memory heap) dependent on a predefined category for the type (See page 3, column 1, lines 6-67, also see abstract, wherein "category" reads on "reference and non-reference type");

searching one of the spaces for referenced objects; and

reclaiming non-referenced objects stored in searched space (See page 1, column 1, lines 41-63, wherein "space" reads on "memory").

5. Claims 2-3, 6-8, 10-11, 14-16, 18-19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edit (U.S. Pub. No. 2002/0166116) in view of Engelmann et al. (U.S. Patent No. 5,537,588) as applied to claims 1, 9, 17, 25, and 26 above, and further in view of Engelstad et al. (U.S. Patent No. 5,485,613).

As to claims 2, 10 and 18, Edit discloses further comprising:

a sample and logical partition routine (See Engelmann et al. column 9, lines 27-45) which defines a category of an object stored (See abstract, also see page 2, column 1, lines 8-15, wherein "category" reads on "partitions registers in to volatile and on-volatile registers...into reference and non-reference registers") in the heap logical partition (See Engelmann et al. column 9, lines 46-65, also see Engelmann et al. abstract).

Edit as modified still does not disclose in the heap to be hot or cold.

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Engelstad et al. discloses in the heap to be hot or cold (See column 9, lines 5-19, wherein “hot” reads on “permanent”, and wherein “cold” reads on “temporary”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Edit to include in the heap to be hot or cold.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Edit as modified by the teaching of Engelstad et al. to include in the heap to be hot or cold because dividing and indicating the heap by age mortality of the object reduces memory processing and freeing up memory storage space.

As to claims 3, 11 and 19, Edit as modified discloses wherein upon determining that a hot logical partition is full (See Engelmann et al. column 11, lines 7-36), the collection routine searches a cold logical partition and the hot logical partition (See Engelmann et al. column 4, lines 45-67, also see Engelmann et al. column 6, lines 55-67, and see Engelmann et al. column 9, lines 1-55, also see Engelstad et al. column 23, lines 14-36, wherein “searches” reads on “scanned”, and Engelstad et al. column 9, lines 5-19, wherein “hot” reads on “permanent”, and wherein “cold” reads on “temporary”) for referenced objects and moves referenced objects (See Engelstad et al. column 24, lines 13-27) of the hot category stored in the hot logical partition to the cold logical partition (See Engelstad et al. column 9, lines 5-19, wherein “hot” reads on “permanent”, and wherein “cold” reads on “temporary”).

As to claims 6, 14 and 22, Edit as modified discloses wherein the sample and partition routine (See page 3, column 2, lines 33-40, wherein “routine” reads on “runtime”) defines the

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object category (See abstract, wherein “category” reads on “reference and non-reference type”) dependent on object type mortality (See Engelstad et al. column 3, lines 1-16, wherein “mortality” reads on “time of creation”).

As to claims 7, 15 and 23, Edit as modified discloses wherein the sample and partition routine (See page 3, column 2, lines 33-40, wherein “routine” reads on “runtime”) estimates the object mortality (See Engelstad et al. column 3, lines 1-16, wherein “mortality” reads on “time of creation”) dependent on difference (See figure 4, 420, list previous, and 430, list next, both show “difference” by comparing two different lists) of the number of bytes of the object type (See figure 4, 440, RefCount/Ref Bits) stored in the heap before a collection and the number of bytes of the object type stored in the heap after the collection (See figure 4, 420, list previous, and 430, list next, both show “before and after” by comparing two different lists).

As to claims 8, 16 and 24, Edit as modified discloses wherein the sample and partition routine (See page 3, column 2, lines 33-40, wherein “routine” reads on “runtime”) partitions the heap to minimize between a hot logical partition and a cold logical partition (See Engelmann et al. column 4, lines 45-67, also see Engelmann et al. column 6, lines 55-67, and see Engelmann et al. column 9, lines 1-55, and see Engelstad et al. column 9, lines 5-19, wherein “hot” reads on “permanent”, and wherein “cold” reads on “temporary”).

Edit as modified does not disclose intergenerational pointers.

Engelstad et al. discloses intergenerational pointers (See column 16, lines 35-55, wherein “intergenerational” reads on “previous ...next”).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Edit as modified to include intergenerational pointers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Edit as modified by the teaching of Engelstad et al. to include intergenerational pointers because pointers allow for marking of a selected group of different age objects (different generation) to be able to be used together and reduce overhead associated with a generation scan.

6. Claims 4-5, 12-13, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edit (U.S. Pub. No. 2002/0166116) in view of Engelmann et al. (U.S. Patent No. 5,537,588), and further in view of Engelstad et al. (U.S. Patent No. 5,485,613) as applied to claim 1-3, 6-11, 14-19, and 22-26 above, and further in view of Endicott et al. (U.S. Patent No. 6,047,295).

As to claims 4, 12 and 20, Edit as modified discloses wherein the sample and partition (See page 3, column 2, lines 33-40, wherein “routine” reads on “runtime”) further comprises:

between an object stored in a hot logical partition and an object stored in a cold logical partition (See Engelmann et al. column 4, lines 45-67, also see Engelmann et al. column 6, lines 55-67, and see Engelmann et al. column 9, lines 1-55, and see Engelstad et al. column 9, lines 5-19, wherein “hot” reads on “permanent”, and wherein “cold” reads on “temporary”).

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Edit as modified does not disclose a write barrier elimination routine, which eliminates a write barrier.

Endicott et al. discloses a write barrier elimination routine, which eliminates a write barrier (See Endicott et al. column 12, lines 1-14, also see column 10, lines 11-20, and column 10, lines 48-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Edit as modified to include a write barrier elimination routine, which eliminates a write barrier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Edit as modified by the teaching of Endicott et al. to include a write barrier elimination routine, which eliminates a write barrier because providing a write barrier ensure proper synchronization with the garbage collector and protect data from being lost thereby reducing overhead.

Edit as modified still does not teach an intergenerational pointer.

Engelstad et al. discloses intergenerational pointers (See Engelstad et al. column 16, lines 35-55, wherein “intergenerational” reads on “previous ...next”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Edit as modified to include intergenerational pointers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Edit as modified by the teaching of Engelstad et al. to include intergenerational pointers because intergenerational pointers because pointers allow for marking

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of a selected group of different age objects (different generation) to be able to be used together and reduce overhead associated with a generation scan.

As to claims 5, 13 and 21, Edit as modified discloses wherein the write barrier elimination routine eliminates a write barrier by replacing a write barrier machine code instruction with a no operation machine code instruction (See Endicott et al. column 12, lines 1-14, also see column 10, lines 11-20, and column 10, lines 48-59).

Response to Arguments

7. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holiday, Jr. (U.S. Patent No. 6,272,674 B1) teaches method for loading a Java application program.

Gerdt et al. (U.S. Patent No. 6,336,164 B1) teaches method for preventing deadlock in a log structured array.


Li et al. (U.S. Patent No. 6,151,685) teaches method for recovering a segment directory for a log structured array.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100